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COMMITTEE AGAINST TORTURE

Twenty-sixth session

SUMMARY RECORD OF THE 483rd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 17 May 2001, at 3 p.m.

Chairman: Mr. BURNS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Conclusions and recommendations concerning the initial report of Costa Rica

Conclusions and recommendations concerning the initial report of Brazil

Conclusions and recommendations concerning the initial report of Kazakhstan

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CONTENTS (continued)

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES

FUTURE MEETINGS OF THE COMMITTEE

ORGANIZATIONAL AND OTHER MATTERS (continued)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Conclusions and recommendations concerning the initial report of Costa Rica (CAT/C/24/Add.7; CAT/C/XXVI/Concl.8)

1. At the invitation of the Chairman, the delegation of Costa Rica took places at the Committee table.

2. Mr. GONZÁLEZ POBLETE, Country Rapporteur, read out the Committee's conclusions and recommendations concerning the initial report of Costa Rica (CAT/C/24/Add.7), which were contained in document CAT/C/XXVI/Concl.8.

3. Ms. RUIZ de ANGULO (Costa Rica) said that Costa Rica hoped to submit its second periodic report the following year. In the meantime, she wished to assure the Committee that the authorities would endeavour to take its conclusions and recommendations into account, particularly with respect to the inclusion of the offence of torture in the Criminal Code and the establishment of State programmes for the rehabilitation of victims of torture.

4. The delegation of Costa Rica withdrew.

The meeting was suspended at 3.20 p.m. and resumed at 3.30 p.m.

Conclusions and recommendations concerning the initial report of Brazil (CAT/C/9/Add.16; CAT/C/XXVI/Concl.6/Rev.1)

5. At the invitation of the Chairman, the delegation of Brazil took places at the Committee table.

6. Mr. SILVA HENRIQUES GASPAR, Country Rapporteur, read out the Committee's conclusions and recommendations concerning the initial report of Brazil (CAT/C/9/Add.16), which were contained in document CAT/C/XXVI/Concl.6/Rev.1.

7. Mr. DUQUE ESTRADA MEYER (Brazil) said that his Government recognized that torture was a very serious problem in Brazil and was confident that action to implement the Committee's conclusions and recommendations would make an important contribution to its eradication.

8. The delegation of Brazil withdrew.

The meeting was suspended at 3.50 p.m. and resumed at 4 p.m.

Conclusions and recommendations concerning the initial report of Kazakhstan (CAT/C/47/Add.1; CAT/C/XXVI/Concl.7/Rev.1)

9. At the invitation of the Chairman, the delegation of Kazakhstan took places at the Committee table.

10. Ms. GAER, Country Rapporteur, read out the Committee's conclusions and recommendations concerning the initial report of Kazakhstan (CAT/C/47/Add.1), which were contained in document CAT/C/XXVI/Concl.7/Rev.1.

11. Mr. DANENOV (Kazakhstan) said that his delegation had been deeply gratified by the constructive debate on his country's initial report. The State bodies responsible for compliance with the Convention would give serious consideration to the Committee's recommendations. The President of Kazakhstan had already been informed about the content of the debate, which would give momentum to the extremely important process of developing the legal system and fostering the protection of human rights and the implementation of the Convention in the country.

12. The delegation of Kazakhstan withdrew.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10) (CAT/C/XXVI/CRP.1 and Add.2-3 and Add.6 (Parts I and II))

13. The CHAIRMAN invited the Committee to consider its draft annual report, which covered the work of its twenty-fifth and twenty-sixth sessions.

Chapter I. Organizational and other matters (CAT/C/XXVI/CRP.1)

14. Ms. GAER asked whether the address of the United Nations human rights Web site in paragraph 2 was correct. The last phrase of paragraph 6 should be reworded to read "except Mr. Silva Henriques Gaspar, who attended one week of the twenty-fifth session".

15. Chapter I, as amended, was adopted.

Chapter III. Submission of reports by States parties under article 19 of the Convention (CAT/C/XXVI/CRP.1/Add.2)

16. Ms. GAER said that a reference to the third periodic report of Israel had been omitted from paragraph 2. In addition, both Israel and Egypt were listed as being late in submitting their third and fourth periodic reports, whereas in fact they had submitted those reports since the Committee's draft report had been issued. They should therefore be deleted from the respective lists.

17. Chapter III, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention (CAT/C/XXVI/CRP.1/Add.3)

18. Chapter IV was adopted.

Chapter VI. Consideration of communications under article 22 of the Convention (CAT/C/XXVI/CRP.1/Add.6 (Parts I and II))

19. Mr. EL MASRY noted that in some cases the authors of communications were referred to by their initials while in others their full name was given.

The meeting was suspended at 4.45 p.m. and resumed at 4.50 p.m.

20. Mr. MAVROMMATIS said that the last sentence of paragraph 16, which dealt with Communication No. 113/1998, should be deleted since the Committee had not had sufficient information to take any decision with regard to article 14. He also wondered whether the Committee secretariat could provide some clarification of the policy with regard to the publication of names in the context of communications dealing with article 3.

21. Mr. CARDON (Office of the United Nations High Commissioner for Human Rights) said that the Committee's practice did not in fact distinguish between article 3 and non-article 3 cases. If the Committee found that there had been no violation of the Convention, it did not publish the name of the author, whereas it did publish the author's name in cases where it found that there had been a violation of the Convention, unless the author specifically requested that his or her name should not be published.

22. With regard to the current cases, the Committee had found a violation in the case of Communication No. 113/1998 (Milan Ristic v. Yugoslavia) and the author's name had therefore been published. In all other cases where there was no violation and which also happened to be article 3 cases, the names of the authors had not been published. He could not say what practice was followed in the other human rights treaty bodies.

23. Mr. EL MASRY asked for confirmation that Mr. Milan Ristic's name should be retained in the text of the Committee's report.

24. The CHAIRMAN said that revelation of the author's name would not imperil him. The case was public, and his name should therefore be retained.

25. Chapter VI was adopted.

FUTURE MEETINGS OF THE COMMITTEE (agenda item 7)

26. Mr. EL MASRY recalled that the proposed dates for future sessions of the Committee were: twenty-seventh session: 12-23 November 2001; twenty-eighth session: 29 April-17 May 2002; and twenty-ninth session: 11-22 November 2002.

27. Ms. GAER wondered whether it might be possible to arrange the Committee's sessions to coincide with sessions of other human rights treaty bodies in order to facilitate cooperation and consultation and to avoid conflicts with holidays.

28. The CHAIRMAN said that the dates proposed could not be changed because they had been accepted by a majority of the Committee and members had planned their schedule accordingly.

29. Mr. EL MASRY asked what criteria were used in selecting the dates of the Committee's sessions.

30. Ms. RUEDA-CASTAÑÓN (Secretary of the Committee) said the dates were assigned by the Conference Services Division on the basis of such practical considerations as the availability of meeting rooms, interpretation services and so forth.

31. The CHAIRMAN said he took it the Committee wished to approve the dates read out by Mr. El Masry.

32. It was so decided.

33. Mr. MAVROMMATIS said that holding the Committee's meetings at the Palais Wilson was somewhat inconvenient and asked whether it would be possible for the Committee to meet at the Palais des Nations in the future.

34. The CHAIRMAN enumerated some of the difficulties posed by the holding of meetings in the Palais Wilson and said that he would raise those matters with the secretariat.

35. Ms. GAER said that more publicity should be given to the Committee's meetings. She noted that the meetings of the Commission on Human Rights were Webcast live and archived and accessible on the Web, and she wondered whether the same could be done for other treaty bodies. If such an arrangement was technically feasible only, at the Palais des Nations, that would be an additional argument in favour of changing the venue of the Committee's sessions.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

36. The CHAIRMAN invited Committee members to suggest points he might raise at the next Meeting of Chairpersons of Human Rights Treaty Bodies.

37. Mr. RASMUSSEN asked whether an agenda for that meeting had been drafted.

38. The CHAIRMAN said the draft agenda he had received was not very specific. In general, the meeting considered reports on the work of the various treaty bodies and ways of making that work more effective. It was therefore likely that the chairpersons would discuss the Bayevsky report, reporting methods, the development of uniform standards for human rights activities, financing of treaty bodies and the Plan of Action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment. He wondered whether there were any matters specifically related to the activities of the Committee against Torture that he should raise.

39. Mr. MAVROMMATIS suggested that at the next meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights, it might be possible to arrange better coordination between the Committee and the special rapporteurs, for example with regard to missions to countries.

40. The CHAIRMAN said that at the meeting referred to by Mr. Mavrommatis the Chairperson of the Committee of Chairpersons of Human Rights Treaty Bodies was usually the only person to speak on behalf of the treaty bodies. Moreover, only a handful of special rapporteurs spoke. It would however, give him an opportunity to meet with Sir Nigel Rodley, the Special Rapporteur on torture and raise the topic of better coordination.

41. Ms. GAER observed that there were many special rapporteurs - both country and thematic - whose work touched on issues of interest to the Committee, yet the Committee had no way of finding out what visits they were planning until after they had reported on them. The Committee might have conclusions or views to communicate to a special rapporteur before a visit, or points of information to discuss. She wondered whether the secretariat could post the schedule of special rapporteurs' visits, on a closed Web site or e-mail address that was accessible to members of treaty bodies.

42. Mr. MAVROMMATIS recalled that he had represented the Committee at the most recent meeting of the open-ended working group on a draft optional protocol to the Convention and said he took it that the Committee still took the position that, while welcoming the establishment of national mechanisms for the oversight of torture, it wished to reiterate its strong support for the creation of a universal inspection body that would apply to all States equally.

43. The CHAIRMAN said he felt sure that the Committee wished Mr. Mavrommatis to reiterate its long-held position.

44. Ms. GAER suggested that the Committee might wish to consider the adequacy of the country analyses it had considered in recent sessions and whether they should be prepared differently or more elaborately. She drew attention also to Commission on Human Rights resolution 2001/62, which encouraged an exchange of views between the Committee and the Special Rapporteur on torture, and suggested that the Committee might wish to consider whether other such oral consultations might be useful. Lastly, since many of the communications the Committee received came from asylum-seekers, and since it often dealt in its consideration of periodic reports, with the detention of persons being denied entry into a country, it might be useful to ask the High Commissioner for Refugees to brief the Committee at the next session on practices and legal trends in areas of relevance to the Committee.

45. The CHAIRMAN said that while consultations were traditionally held with the Special Rapporteur on torture, there was no reason not to do so with others as well. He agreed that an oral statement to the Committee by the High Commissioner for Refugees would indeed be useful.

46. Mr. MAVROMMATIS said that thought should be given to follow-up procedures to Committee recommendations and to communications. The Committee should also consider whether it wanted to draft a list of issues for each periodic report to be considered. The country analyses were an excellent idea, but those preparing them should consult with the Special Rapporteur. A briefing by the High Commissioner for Refugees would be useful, but he doubted that the twenty-seventh session, which was only two weeks long, was a good time to introduce any innovations.

47. Mr. RASMUSSEN informed the Committee that he had just attended a very interesting World Health Organization (WHO) panel on violence and health, but he had noted with regret that organized violence, including torture, had not come up in the discussion. He himself had urged the panel to have the WHO incorporate organized violence and torture into its programme of work. If, as suggested earlier, WHO was approached on becoming a signatory to the 26 June 2001 Joint Declaration for the United Nations International Day in Support of Victims of Torture, that point could be reinforced.

48. The CHAIRMAN said that, with the approval of the Committee and the other bodies involved, WHO could certainly be approached on the matter by the secretariat.

The meeting rose at 5.35 p.m.